

House Bill 1381

By: Representatives Benfield of the 85th, Butler of the 18th, Talton of the 145th, Henson of the 87th, Johnson of the 37th, and others

A BILL TO BE ENTITLED
AN ACT

To amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to provide for safer bicycle riding for bicyclists and the motoring public; to provide for definitions; to change provisions relating to parking a motor vehicle; to change provisions relating to traffic laws being applicable to bicycles; to change provisions relating to the transporting of children under the age of one year on a bicycle; to change provisions relating to riding on roadways and bicycle paths; to change provisions relating to equipment on bicycles; to legalize the use of recumbent bicycles; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is amended by revising Code Section 40-1-1, relating to definitions, by revising paragraphs (6.1) and (6.2) and adding a new paragraph to read as follows:

"(6.1) 'Bicycle lane' means a portion of the roadway that has been designated by striping, pavement markings, or signage for the exclusive or preferential use of persons operating bicycles. Bicycle lanes shall at a minimum be required to meet accepted guidelines, recommendations, and criteria with respect to planning, design, operation, and maintenance as set forth by the American Association of State Highway and Transportation Officials.

(6.2) 'Bicycle path' means a right of way under the jurisdiction and control of this state or a local political subdivision thereof designated for use by bicycle riders.

~~(6.2)~~(6.3) 'Bicycle trailer' means every device pulled by a bicycle and designed by the manufacturer of such device to carry human passengers."

SECTION 2.

Said title is further amended in Article 3 of Chapter 6, relating to driving on the right side of the roadway, overtaking and passing, and following too closely, by adding a new Code section to read as follows:

"40-6-55.

Notwithstanding other provisions of this chapter relating to operating a vehicle on a roadway, where a bicycle lane is provided on the roadway, the operator of a motor vehicle shall yield to a person operating a bicycle in a bicycle lane and shall not block or impede the bicycle lane from bicycle traffic."

SECTION 3.

Said title is further amended by revising paragraph (1) of subsection (a) of Code Section 40-6-203, relating to stopping, standing, or parking prohibited in specified places, as follows:

"(1) Stop, stand, or park a vehicle:

(A) On the roadway side of any vehicle stopped or parked at the edge of a curb of a street;

(B) On a sidewalk;

(C) Within an intersection;

(D) On a crosswalk;

(E) Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless a different length is indicated by signs or markings;

(F) Alongside or opposite any street excavation or obstruction when stopping, standing, or parking would obstruct traffic;

(G) Upon any bridge or other elevated structure upon a highway or within a highway tunnel;

(H) On any railroad tracks;

(I) On any controlled-access highway;

(J) In the area between roadways of a divided highway, including crossovers; ~~or~~

(K) At any place where official signs prohibit stopping; or

(L) On or in a bicycle lane;"

SECTION 4.

Said title is further amended by revising Part 1 of Article 13 of Chapter 6, relating to bicycles and play vehicles, as follows:

57 "40-6-290.

58 The provisions of this part applicable to bicycles shall apply whenever a bicycle is operated
59 upon a highway, upon a bicycle lane, or upon any bicycle path set aside for the exclusive
60 use of bicycles, subject to those exceptions stated in this part.

61 40-6-291.

62 (a) The provisions of this chapter that apply to vehicles, but not exclusively to motor
63 vehicles, shall apply to bicycles, except as provided in this Code section and except that
64 the penalties prescribed in subsection (b) of Code Section 40-6-390, subsection (c) of Code
65 Section 40-6-391, and subsection (a) of Code Section 40-6-393 shall not apply to persons
66 riding bicycles.

67 (b) Notwithstanding the provisions of Code Section 40-6-50, any person operating a
68 bicycle may ride upon a paved shoulder; provided, however, that such person shall not be
69 required to ride upon a paved shoulder.

70 (c) Any person operating a bicycle may signal a right turn with his or her right arm and
71 hand extended horizontally or with his or her left hand and arm extended upward. Such
72 person shall not be required to signal continuously if the operator's hand is needed to
73 control the bicycle.

74 40-6-292.

75 (a) A person propelling a bicycle shall not ride other than upon or astride a permanent and
76 regular seat attached thereto and shall allow no person to ride upon the handlebars.

77 (b) No bicycle shall be used to carry more persons at one time than the number for which
78 it is designed and equipped.

79 (c) No person shall transport a child under the age of one year as a passenger on a bicycle
80 on a highway, roadway, bicycle path, bicycle lane, or sidewalk; ~~provided, however, that~~
81 ~~a child under the age of one year may be transported on a bicycle trailer or in an infant~~
82 ~~sling so long as such child is seated in the bicycle trailer or carried in an infant sling~~
83 ~~according to the bicycle trailer's or infant sling's manufacturer's instructions, and the~~
84 ~~bicycle trailer is properly affixed to the bicycle according to the bicycle trailer's~~
85 ~~manufacturer's instructions or the infant sling is properly worn by the rider of the bicycle~~
86 ~~according to the infant sling's manufacturer's instructions and such child transported in a~~
87 ~~bicycle trailer or infant sling is wearing a bicycle helmet as required under paragraph (1)~~
88 ~~of subsection (e) of Code Section 40-6-296.~~

89 (d) No child between the ages of one year and four years shall ride as a passenger on a
90 bicycle or bicycle trailer or be transported in an infant sling unless the child is securely
91 seated in a child passenger bicycle seat, bicycle trailer, or infant sling according to the child

passenger bicycle seat's, bicycle trailer's, or infant sling's manufacturer's instructions and the child passenger seat or bicycle trailer is properly affixed to the bicycle according to the child passenger bicycle seat's or bicycle trailer's manufacturer's instructions or the infant sling is worn according to the infant sling's manufacturer's instructions.

(e) Violation of subsections (c) and (d) of this Code section shall not constitute negligence per se nor contributory negligence per se or be considered evidence of negligence or liability.

(f) No person under the age of 16 years failing to comply with subsections (c) and (d) of this Code section ~~may~~ shall be fined or imprisoned.

40-6-293.

No person riding upon any bicycle, coaster, roller skates, sled, or toy vehicle shall attach the same or himself or herself to any vehicle upon a roadway.

40-6-294.

(a) As used in this Code section, the term 'hazards to safe cycling' includes, but shall not be limited to, surface debris, rough pavement, drain grates which are parallel to the side of the roadway, parked or stopped vehicles, potentially opening car doors, or any other objects which threaten the safety of a person operating a bicycle.

(b) Every person operating a bicycle upon a roadway shall ride as near to the right side of the roadway as practicable, except when ~~turning~~:

(1) Turning left ~~or avoiding~~;

(2) Avoiding hazards to safe cycling, ~~when the~~;

(3) The lane is too narrow to share safely with a motor vehicle, ~~when traveling~~;

(4) Traveling at the same speed as traffic, ~~or while exercising~~;

(5) Exercising due care when passing a standing vehicle or one proceeding in the same direction; or

(6) There is a right turn only lane and the person operating the bicycle is not turning right;

provided, however, that every person operating a bicycle away from the right side of the roadway shall exercise reasonable care and shall give due consideration to the other applicable rules of the road. ~~As used in this subsection, the term 'hazards to safe cycling' includes, but is not limited to, surface debris, rough pavement, drain grates which are parallel to the side of the roadway, parked or stopped vehicles, potentially opening car doors, or any other objects which threaten the safety of a person operating a bicycle.~~

~~(b)~~(c) Persons riding bicycles upon a roadway shall not ride more than two abreast except on bicycle paths, bicycle lanes, ~~or~~ parts of roadways set aside for the exclusive use of

bicycles, or when a special event permit issued by a local governing authority permits riding more than two abreast.

~~(c)~~(d) Whenever a usable bicycle path has been provided adjacent to a roadway and designated for the exclusive use of bicycle riders, then the appropriate governing authority may require that bicycle riders use such bicycle path and not use those sections of the roadway so specified by such local governing authority. The governing authority may be petitioned to remove restrictions upon demonstration that the bicycle path has become inadequate due to capacity, maintenance, or other causes.

~~(d)~~(e) Bicycle paths ~~Paths~~ subject to the provisions of subsection ~~(c)~~ (d) of this Code section shall at a minimum be required to meet accepted guidelines, recommendations, and criteria with respect to planning, design, operation, and maintenance as set forth by the American Association of State Highway and Transportation Officials, and such bicycle paths shall provide accessibility to destinations equivalent to the use of the roadway.

(f) Any person operating a bicycle in a bicycle lane shall ride in the same direction as traffic on the roadway.

~~(e)~~(g) Electric assisted bicycles ~~as defined in Code Section 40-1-1~~ may be operated on bicycle paths.

40-6-295.

No person operating a bicycle shall carry any package, bundle, or other article which prevents him or her from keeping at least one hand upon the handlebars.

40-6-296.

(a) Every bicycle when in use at nighttime shall be equipped with a light on the front which shall emit a white light visible from a distance of 300 feet to the front and with a light on the back which shall emit a red reflector on the rear of a type approved by the Department of Public Safety which shall be light visible from a distance of 300 feet to the rear ~~when directly in front of lawful upper beams of headlights on a motor vehicle. A light emitting a red light visible from a distance of 300 feet to the rear may be used in addition to the red reflector.~~

(b) Every bicycle sold or operated shall be equipped with a brake which will enable the operator to make the braked wheels skid on dry, level pavement.

(c) No bicycle shall be equipped or operated while equipped with a set of handlebars so raised that the operator must elevate his or her hands above ~~his~~ the operator's shoulders in order to grasp the normal steering grip area.

~~(d) No bicycle shall be equipped, modified, or altered in such a way as to cause the pedal in its lowermost position to be more than 12 inches above the ground, nor shall any bicycle be operated if so equipped.~~

~~(e)~~(1) No person under the age of 16 years shall operate or be a passenger on a bicycle on a highway, bicycle path, bicycle lane, or sidewalk under the jurisdiction or control of this state or any local political subdivision thereof without wearing a bicycle helmet.

(2) For the purposes of this subsection, the term 'bicycle helmet' means a piece of protective headgear which meets or exceeds the impact standards for bicycle helmets set by the American National Standards Institute (ANSI) or the Snell Memorial Foundation.

(3) For the purposes of this subsection, a person shall be deemed to wear a bicycle helmet only if a bicycle helmet of good fit is fastened securely upon ~~the~~ such person's head with the straps of ~~the~~ such bicycle helmet.

(4) No bicycle without an accompanying protective bicycle helmet shall be rented or leased to or for the use of any person under the age of 16 years unless that person is in possession of a bicycle helmet at the time of the rental or lease.

(5) Violation of any provision of this subsection shall not constitute negligence per se nor contributory negligence per se or be considered evidence of negligence or liability.

(6) No person under the age of 16 failing to comply with any provision of this subsection ~~may~~ shall be fined or imprisoned.

40-6-297.

~~(a) It shall be unlawful for any person to sell a new bicycle or a pedal for use on a bicycle unless the pedals on such bicycle or such pedals are equipped with reflectors of a type approved by the Department of Public Safety. The reflector on each pedal shall be so designed and situated as to be visible from the front and rear of the bicycle during darkness from a distance of 200 feet. The commissioner of public safety is authorized to promulgate rules and regulations and establish standards for such reflectors.~~

~~(b) This Code section shall not apply to any bicycle purchased prior to July 1, 1972, by a retailer for the purpose of resale.~~

~~40-6-298.~~

(a) It is shall be a misdemeanor for any person to do any act forbidden or fail to perform any act required in this part.

(b) The parent of any child and the guardian of any ward shall not authorize or knowingly permit such child or ward to violate any of the provisions of this part.

193 ~~40-6-299.~~ 40-6-298.

194 The Board of Public Safety is authorized to promulgate rules and regulations to carry this
195 part into effect and is authorized to establish regulations for any additional safety
196 equipment or standards it shall require for bicycles."

197 **SECTION 5.**

198 All laws and parts of laws in conflict with this Act are repealed.